

Foodie's Left Dry ✓

Split vote means no liquor license

By SUSANNA SHEEHAN

Foodie's of Duxbury lost its bid for a liquor license this week when the two sitting members of the Board of Selectmen voted 1 to 1, each canceling out the other's vote.

Selectmen Chairman Andre Martecchini voted for the beer and wine license, saying that it would allow Foodie's owner Victor Leon to compete with larger area supermarkets and would satisfy the public need because the public needed and wanted this grocery store in Duxbury. If the sale of beer and wine made Foodie's more competitive then Leon should have

the license, he said.

Selectman Jon Witten voted against the liquor license, saying the applicant had not clearly demonstrated to him the need for another alcohol vendor in Hall's Corner. He also said his decision was partly based on the fact that the lease of the building was not contingent upon Foodie's having a liquor license.

Foodie's is taking over the empty A&P/Grand Union building on Depot Street, which has been vacant for three and a half years. It will

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West Bay Downsized

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be a grocery store dedicated to freshness and customer service, Leon has said. It should open by the end of the summer. Renovations are already underway.

Selectman Betsy Sullivan recused herself from discussion and left the room because she has had financial dealings with Leon in the past. That left two selectmen to decide the fate of the Foodie's liquor license.

After the split vote, Martecchini asked Leon if he wanted to come back at another date to satisfy Witten's request to prove there was a public need for the beer and wine license. Leon declined, stating: "I'd rather not continue the public misery."

Leon said earlier in the meeting that he "was not comfortable, fighting over this issue."

"I'm very uncomfortable," he said. "I don't want to be in a battle with citizens or with businesses who have been here. I want to enhance the position of Duxbury to do business."

Leon said he had wanted the license because it would make the grocery store "more

ing their decision.

Martecchini said the public wants and needs a new grocery store in Duxbury. He based his decision to support the liquor license on this.

"I feel very strongly we have demonstrated a public need for this store," he said.

Martecchini argued that

kets selling alcohol, Osborn's, Bennett's, Millbrook and Duxbury General Store, but none in the town's business center, Hall's Corner.

Martecchini also rejected assertions by Caruso and others that having beer and wine sales in Foodie's would hurt the two existing liquor stores

the selectmen's position to protect businesses. I can't tell you how many people tell me how desperate they are to have a market there."

Witten said that if Foodie's lease required a liquor license, then he felt Leon would have a more compelling argument for obtaining the license.

"The burden is not on us to prove there's a rational basis for another license," said Witten. "Until that need is proven, I can't vote for it."

Witten said Leon could come to selectmen in the future to request the license again.

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— Victor Leon, Foodie's of Duxbury

Foodie's did not fit into the vote residents took in November rejecting alcohol sales in supermarkets. Foodie's is not a supermarket like Stop & Shop or Hannaford with more than three outlets, he said. Martecchini added that Duxbury had four other mar-

in Hall's Corner. He said that all businesses in the area could suffer, such as the convenience stores which started to carry staples to fill the void from the A&P closure and the florists.

"I'm a very free-market-oriented person," said Martecchini. "I don't feel it's

is a higher profit in beer and wine sales than in food sales and because it was offering a service and a convenience to his customers. He said it was "imperative" to his business plan to have the "advantage" of beer and wine in the store. Leon had planned to devote 522 square feet of the 22,000 square foot store to alcohol.

This second discussion on the beer and wine license often seemed like courtroom maneuvering as three attorneys — Witten; Robert Allen, representing Leon; and Gerald Caruso, representing Duxbury Wine and Spirits, the Wine Depot and Bennett's General Store — argued their cases. A fourth lawyer, Brian Wall, standing in for Town Counsel Robert Troy, was present to guide the selectmen in their decision.

Wall said that case law for granting liquor licenses stated that the "public need" can be joined with the "public want," meaning that if the public wants another outlet for alcohol then officials can take that into consideration when mak-